In the High Court of Punjab and Haryana, Chandigarh

C.W.P. No. 14897 of 2006

Date of Decision: September 28, 2006

Roop Chand and others

…Petitioners

Versus

State of Haryana and another

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. Pankaj Maini, Advocate,
for the petitioners.

JUDGMENT

M.M. KUMAR, J. (Oral)

The short question raised in this petition is as to whether the petitioners are liable to pass typing test in order to earn increments? The service conditions of the petitioners who have been working as Clerk, are governed by the Haryana Revenue Department, District Subordinate (Group-C) Rules, 1988 (for brevity, 'the Rules). According to Rule 7 of the Rules read with Appendix 'B', the qualification for promotion has been laid down, which require that a person to be promoted as Clerk has to be Matric with experience of five years of Group-C or Group-D post and he must passed Hindi/English typing at the speed of 25/30 words per minute within

one year from the date of his appointment. If he fails to do so then annual increment(s) are to be withheld till the passing of the test but the payment was not to be given of the lost period. When petitioner No. 2-Krishan Kumar approached this Court by filing C.W.P. No. 18999 of 2005, a direction was issued by the Division Bench on 6.12.2005 (P-8) to the respondents to decide his representation, which has accordingly been decided by the impugned order dated 5.4.2006 (P-9). The other petitioners also approached this Court by filing C.W.P. No. 18950 of 2005, which was also decided on 6.12.2005, as is evident from the order dated 5.4.2006 (P-9), which is subject matter of challenge before this Court.

After hearing learned counsel for the petitioners, we find that the Rule 7 specifically requires the petitioners, who belongs to promotee quota, to pass typing test at a speed of 25/30 words per minute within one year from the date of their appointment by promotion. As already noticed that in the event of their failure to pass test, they were not to be given increment(s) till the date of passing the test. The payment of increment(s) would not be admissible of the lost period. There is no illegality in the aforementioned order dated 5.4.2006 (P-9).

The reliance of the petitioners in the case of **Devinder Kumar Kapil v. State of Haryana and others** (C.W.P. No. 3553 of 1998, decided on 14.10.1998) is absolutely misplaced as the Division Bench of this Court in that case has specifically observed that in the rules applicable in that case there was no provision for passing of

typing test and, therefore, the consideration of the petitioner in that case for promotion to the post of Assistant could not be withheld. However, in the instant case there is a specific rule requiring the present petitioners to pass typing test. Therefore, there is no merit in this petition.

For the reasons aforementioned, this petition fails and the same is dismissed.

(M.M. KUMAR)
JUDGE

(M.M.S. BEDI)
JUDGE

September 28, 2006

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